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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DELORES MORRIS, et al.,)	
)	
Plaintiff,)	
)	
vs.)	No. 07 C 3409
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER


The City of Chicago moves to bifurcate section 1983 claims and to stay discovery and trial on those claims. That motion is granted.

If the case proceeds to verdict against one or more individual defendants, the City will pay, pursuant to state statute, the compensatory damages. If the case proceeds to verdict against the City on any Monell claim, the City will pay the compensatory damages. We see no good reason to proceed on both paths when pursuit of Monell claims will inevitably lead to substantial additional discovery and trial time.

We recognize that the decision is discretionary and that our colleagues go both ways. We are persuaded that bifurcation makes more sense for everyone.

Perhaps some plaintiffs are more interested in reforming law enforcement and the City than they are in being compensated for their damages, although that has not been this court's experience. Perhaps some plaintiffs are willing to gamble on a Monell recovery and therefore Monell legal fees, even though the economics are not at all compelling. We believe, however, that it is better for all concerned if we proceed first against the individual defendants. Then, in the unlikely event that the verdict leaves some issues open that need to be determined (it will

leave Monell liability open) and that plaintiff wishes to pursue, we can then determine how further to proceed. In the meantime, we see no reason why the potential impact of litigation expense should be a thumb on the scale when the compensatory damages verdict is otherwise even under both scenarios.


JAMES B. MORAN
Senior Judge, U. S. District Court

March 25, 2008.